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4 Attorneys for Plaintiff
5 RICHARD SKAFF

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 RICHARD SKAFF

CASE NO. C 09-05518 JSW
Civil Rights

9 Plaintiff,

10 V.

**STIPULATION , DECLARATION,
AND ~~[PROPOSED]~~ ORDER FOR
ENLARGEMENT OF TIME TO
CONDUCT JOINT SITE
INSPECTION**

11 REAL MEX RESTAURANTS,
12 INC; GENERAL GROWTH
PROPERTIES, INC. and DOES 1-
25, Inclusive,

(Local Rule 6-2)

13 Defendants.
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28 STIPULATION , DECLARATION, AND ~~[PROPOSED]~~
ORDER FOR ENLARGEMENT OF TIME TO CONDUCT
JOINT SITE INSPECTION

STIPULATION

Plaintiff RICHARD SKAFF, by and through his attorney, and Defendants REAL MEX RESTAURANTS, INC. AND GENERAL GROWTH PROPERTIES, INC, by and through their attorneys, stipulate to an extension of time from March 1, 2010 to April 15, 2010 to conduct the Joint Site Inspection required by the court's Scheduling Order in the case and by General Order 56.

Date: 3/1/10

SIDNEY J. COHEN
PROFESSIONAL CORPORATION

/s/ Sidney J. Cohen

Sidney J. Cohen
Attorney for Plaintiff Richard Skaff

Date: 3/1/10

JACKSON LEWIS LLP

/s/ Cara Ching-Senaha

Cara Ching-Senaha
Attorneys for Defendant
General Growth Properties, Inc.

Date:

GREENBERG TRAURIG

/s/ Michael J. Chilleen

Michael J. Chilleen
Attorneys for Defendant
Real Mex Restaurants, Inc.

DECLARATION OF SIDNEY J. COHEN

I, Sidney J. Cohen, declare:

1. I am counsel for Plaintiff in this action. I am an attorney in good standing and licensed to practice in the courts of California, in the United States District Courts for the Northern, Eastern, and Central Districts, in the United States Court of Appeals for the Ninth Circuit, and in the United States Supreme Court. If called upon to testify, I would testify as follows:

STIPULATION, DECLARATION, AND ~~PROPOSED~~
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1 2. On December 22, 2010 Call, Jensen, & Ferrell e filed defendant
2 Real Mex Restaurants, Inc.'s Answer to Plaintiff's Complaint. (Docket item 5)

3 3. On January 14, 2010 Jackson Lewis e filed defendant General
4 Growth Properties, Inc.'s Answer to Plaintiff's Complaint.(Docket item 9)

5 4. The court Scheduling Order set March 1, 2010 as the deadline for
6 the parties to conduct the joint site inspection required by General Order 56.

7 5. On January 20, 2010 I e mailed counsel for defendants advising of
8 the need for the joint site inspection and suggesting March 1, 2010 as the date .

9 6. On January 20, 2010 Scott Hatch of the Jensen firm e mailed that he
10 was not available on March 1, that he was available the week prior to March 1,
11 and that he would have to check with his client for availability, and Jackson
12 Lewis LP advised that they would check for availability.

13 7. By e mail to defendants' counsel on January 20, 2010, I
14 advised a) that I had checked with my expert consultant for availability, who
15 advised that he would be out of the office from February 13-20, 2010 and b)that I
16 would be out of the country and unavailable from February 20-27, 2010.

17 8. During the period January 20 -February 12, 2010, counsel for
18 the parties continued to communicate regarding possible dates.

19 9. On February 12, 2010 I received a letter by e mail attachment from
20 Michael J. Chilleen of Greenberg Traurig advising that his firm would be
21 substituting in as counsel for defendant Real Mex Restaurants, Inc. and that he
22 was available on March 1, 2010 for the joint site inspection.

23 10. By e mail to Mr. Chilleen and Ms.Ching Senaha on February 12,
24 2010, I advised that I was available for a March 1 joint site inspection and asked
25 Ms. Ching-Senaha, who had previously told me that her consultant was not
26 available in early March, if she and her consultant could attend a March 1 joint
27

1 site inspection.

2 11. By e mail on February 16, 2010, Ms.Ching- Senaha advised that her
3 consultant would be out of town and unavailable on March 1 and that she would
4 check for her consultant's availability for the second or third week of March.

5 12. On February 17, 2010 I e mailed Ms. Ching-Senaha and Mr. Chilleen
6 of the availability of everyone on Plaintiff's side for March 15, 16, or 17 and
7 advised that we were holding those dates pending a response as to availability on
8 defendants' side.

9 13. The substitution of attorney for defendant Real Mex Restaurants was
10 e filed with the court on February 25, 2010 (docket item 10), and a proposed
11 order was e filed with the court on February 26, 2010 (docket item 11).

12 14. Presently counsel for the parties are continuing their efforts to
13 arrange for a date, hopefully in mid March, that the parties, counsel, and
14 consultants can attend the joint site inspection.

15 15. Based on paragraphs 1-14, supra, the parties need an extension of
16 time so that they can schedule the joint site inspection on a date that all parties,
17 counsel for all parties, and consultants for all parties can attend and which
18 complies with a court ordered deadline.

19 16. With the exception of extending the March 1, deadline for
20 conducting the joint site inspection and the follow on 10 day meet and confer and
21 mediation deadlines, the extension does not effect court ordered deadlines.

22 17. A Stipulation to extend the time for General Growth Properties, Inc.
23 to respond to the Complaint (Docket No. 8) is the only previous modification in
24 the case by Stipulation or Court Order.

25 I declare under penalty of perjury that the foregoing is true and correct.

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28 STIPULATION , DECLARATION, AND ~~[PROPOSED]~~
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JOINT SITE INSPECTION

1 Executed this 28th day of February, 2010 at Oakland, California.

2 /s/ Sidney J. Cohen

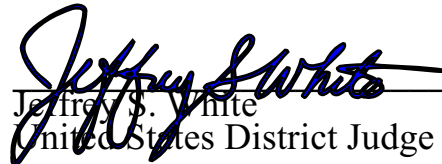
3 _____
4 Sidney J. Cohen

5 **ORDER**

6 Having considered the parties Stipulation and the supporting
7 Declaration, and for good cause shown, the court extends the date by which the
8 parties must conduct the joint site inspection of the property and premises which
9 is the subject of this lawsuit from March 1, 2010 to April 15, 2010.

10 **IT IS SO ORDERED.**

11 **Date:** March 1, 2010

12  _____
13 Jeffrey S. White
14 United States District Judge